

ARTICLES

TAKING TEXAS BACK: A VOTER TURNOUT ANALYSIS OF SOUTH TEXAS

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Editor's Note: This Article was originally written as a set of recommendations for the Texas Democratic Party to achieve more statewide success by engaging the largely Hispanic region of South Texas. As a nonpartisan law review, *The Scholar: St. Mary's Law Review on Minority Issues* does not necessarily endorse the partisan views espoused by the authors. Though the recommendations are politically biased, the lessons learned by examining this region demonstrate that legal barriers and entrenched political structures have implications for minorities that extend beyond partisan politics.

"The Valley¹ is poised to elect the next governor if we get our act together here."²

1. "The Valley" refers to the northern Rio Grande valley, or the region otherwise known as South Texas.

2. Telephone Interview with Nathan Selzer, Project Coordinator, Mi Familia Vota (Feb. 24, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*). Mi Familia Vota is a national organization that works to encourage civic engagement and voting in Hispanic communities. About Us—Mi Familia Vota, <http://mifamilia vota.net/about> (last visited Apr. 9, 2010).

"[Republicans] don't need [the South Texas] vote to win, Democrats do."³

I. INTRODUCTION

Voter turnout in South Texas⁴ is consistently lower than the state average in general elections.⁵ In 2008, despite record turnout, South Texas fell behind the state average by over sixteen percentage points.⁶ For the Texas Democratic Party (TDP), the ability to win statewide elections hinges on the ability to raise turnout in this region, where over eighty percent of the citizens are Hispanic⁷ and where over sixty-nine percent of the population voted for Obama in the 2008 general election.⁸

We find that low general election turnout primarily stems from two sources: a lack of local competitive races in general elections and the dominance of political factions in the region. A lack of local competitive races in general elections (as opposed to primaries) reduces incentives for

3. Interview with Matt Angle, Dir., The Lone Star Project (Dec. 20, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*). Matt Angle created the Lone Star Project in 2005 to "serve as a fact-checker on the Republican Party on both the state and national levels." About Us, The Lone Star Project, <http://www.lonestarproject.net/about.html#AbouttheLoneStarProject> (last visited Apr. 9, 2010). "'My belief was that—particularly in Texas—you had a situation where you had the Republican leaders failing,' said Angle. '[They were] not just failing as political leaders but as leaders generally. My thought was to not just complain but to show people exactly why there was a problem.'" *Id.* (alteration in original).

4. In this Article, voter turnout in South Texas is determined for each election by dividing the number of total votes cast in all twelve counties (Brooks, Cameron, Dimmit, Duval, Hidalgo, Jim Hogg, Maverick, Starr, Webb, Willacy, Zapata, and Zavala) by the number of registered voters in all twelve counties and multiplying that number by 100. Many political scientists determine voter turnout in a similar manner. See, e.g., LOUIS DESIPIO, COUNTING ON THE LATINO VOTE: LATINOS AS A NEW ELECTORATE 89 & tbl.4.1 (1996); Kay Lehman Schlozman et al., *Inequalities of Political Voice*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 19, 33 & tbl.2.1 (Lawrence R. Jacobs & Theda Skocpol eds., 2005). When measuring voter turnout, we consider only those who are registered.

5. *Two Steps Forward, Two Steps Back*, TEX. OBSERVER, Mar. 21, 2008, at 20, available at 2008 WLNR 7075417 ("[H]istorically low voter turnout in general elections doomed South Texas to a disproportionately small cache of [Democratic caucus] delegates.").

6. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; select "2008 General Election" from the drop-down menu and click "Submit"; then select "President/Vice-President" from the drop-down menu and click "Submit") (last visited Apr. 9, 2010).

7. Demographics—South Texas, <http://www.window.state.tx.us/specialrpt/tif/southtexas/demographics.html> (last visited Apr. 9, 2010).

8. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; select "2008 General Election" from the drop-down menu and click "Submit"; then select "President/Vice-President" from the drop-down menu and click "Submit") (last visited Apr. 9, 2010).

political actors, like campaign operatives and party leaders, to contact voters and results in lackluster voter motivation. Because many local elections are settled in the primaries, political actors often have nothing to lose by doing nothing in the general elections.⁹ Entrenched political factions within the Democratic Party and a tradition of paid political operatives also result in less voter contact, as well as poor campaign coordination and a lack of volunteerism. These problems cause incentive structures that do a major disservice to the TDP.¹⁰

In addition, voter turnout in South Texas is threatened by state legislative proposals that will likely inhibit Hispanic voters' ability to turn out at the polls. One bill left pending in the Texas House of Representatives would require all voters to present photo ID at the polling place, a requirement that would unduly burden immigrants and other low-income Hispanic voters in South Texas.¹¹ A second bill would prohibit the use of government funds to print bilingual election materials for Spanish-only voters.¹² If passed, these bills will impose legal limitations upon a region already struggling to overcome political and cultural barriers to voter turnout.

Because these problems concern political actors more than voters, Steven J. Rosenstone's and John Mark Hansen's work, which suggests that people do not vote, in large part, because political actors do not ask them to,¹³ is particularly relevant. This theory, reflected in the barriers we identify, can explain much of the turnout problem in South Texas general elections. Other impediments to voting, like a lack of resources in the region, complicated voting logistics, and more traditionally emphasized barriers to turnout (such as socioeconomic status) also contribute to low turnout.¹⁴ However, in light of the region's exceptionally high performance in primary elections,¹⁵ where incentive structures and competi-

9. Cf. Tex. Sen. Eddie Lucio, Jr., Letter to the Editor, *Let's Raise South Texas Voter Turnout*, BROWNSVILLE HERALD, Jan. 26, 2010, available at <http://www.brownsvilleherald.com/articles/voter-107874-let-raise.html> (noting relatively low voter turnout in general elections in South Texas).

10. Jazmine Ulloa, *Democratic Candidates Answer Key Questions on Their Platforms at UTB-TSC Forum*, BROWNSVILLE HERALD, Feb. 17, 2010, available at 2010 WLNR 3341894. "The Rio Grande Valley is critically important to my campaign," said former Houston Mayor and current Democratic nominee for Governor of Texas, Bill White. *Id.*

11. Tex. S.B. 362, 81st Leg., R.S. (2009).

12. Tex. H.B. 81, 81st Leg., R.S. (2009).

13. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 161 (1993) ("People participate in electoral politics because someone encourages or inspires them to take part.").

14. *Id.* at 133-44.

15. South Texas voters vote in the Democratic primary in numbers dramatically higher than the rest of the state—22.73% versus 9.5% statewide in 1996; 21.39% versus

tion operate well, we argue that these typically cited problems cannot on their own explain low voter turnout in general elections.

Our recommendations section proposes specific strategies to increase turnout in South Texas and make Texas Democrats more competitive in statewide elections in 2010. We find that those solutions that directly address the underlying systemic problems of incentives and competition of political actors, as described above, will be the most effective: the TDP must engage South Texas communities, encourage political activity from fresh sources, and increase its presence in the region.

A. *Political Theory*

Traditionally, political theory attempts to explain voter motivation that centers on the voters themselves.¹⁶ There are costs associated with voting, but income, education, and the like can overcome these costs and make voting worthwhile.¹⁷ Barriers to turnout are factors that make it more difficult, more expensive, or less important to vote.¹⁸ Examples of such barriers include socio-economic status, but also motivational explanations, such as believing your vote will not make a difference.¹⁹

Rosenstone and Hansen argue in their 1993 publication that these barriers to voting tell only half of the story when it comes to voter turnout.²⁰ Their argument, backed by extensive statistical analysis, is that voter turnout has declined since the 1960s in large part because political actors do not ask citizens to vote.²¹ Mobilization by a campaign or other political actor, or the lack thereof, is a powerful indicator of whether or not a person votes.²² And, due to an increased use of technology and targeting,

6.77% in 2000; 19.74% versus 6.84% in 2004; and 32.97% versus 22.54% in 2008. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; select desired Democratic Party Primary Election year from the drop-down menu and click "Submit"; then select "President/Vice-President" from the drop-down menu and click "Submit") (last visited Apr. 9, 2010).

16. RAYMOND E. WOLFINGER & STEVEN J. ROSENSTONE, *WHO VOTES?* 5–6 (1980).

17. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 13–17 (1993).

18. *Id.* at 12.

19. *Id.* at 143 ("The public's waning sense of political efficacy . . . has caused citizens to disengage massively from politics and elections." (footnote omitted)).

20. *Id.* at 5 (arguing the "centrality of strategic mobilization" and explaining that their research supplements political scientists' traditional concentration on individual theories of participation). Rosenstone and Hansen state that their theory is necessary to "build upon, depart from, and elaborate upon earlier theories of political participation and collective action." *Id.*

21. *Id.* at 163–94, 213, 217.

22. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 209–10 (1993) ("Citizens who are contacted by political

as opposed to the more traditional labor-intensive methods of canvassing, mobilization has been slowly declining.²³ Decreasing mobilization, the authors find, explains fifty-four percent of the eleven percent decline in voter turnout between the 1960s and the 1980s.²⁴ Other indicators that focus on the motivations of voters, such as reduced feelings of efficacy (which explains nine percent of the decrease) and weakened attachment to parties (which explains eleven percent of the decrease), turn out to be significantly less important than declining activity of political leaders.²⁵

This theory helps explain low voter turnout in South Texas, where incentives for political actors to mobilize voters differ greatly in general elections, as compared to primary elections. In light of Rosenstone's and Hansen's work, we will argue that critical barriers to voter turnout here stem from political actors—not from voters. Electoral conditions clearly affect South Texas voters; for example, a lack of competitive general elections makes citizens less enthusiastic about voting.²⁶ However, we find these noncompetitive races have an even more important impact on political actors. Specifically, a lack of competitive races reduces the motivation for political actors to contact voters, which compounds the already lackluster turnout in general elections. Of course, political actors do not explain all the problems in voter turnout in this region; voters also play a role.²⁷ But because the TDP is in a position to impact the work of political actors and because the work political actors do is so critical, we find this theory particularly important to consider when working to increase voter turnout in South Texas.

parties, exposed to intensely fought election campaigns, or inspired by the actions of social movements are more likely to vote, to persuade, to campaign, and to give.”).

23. *Id.* at 233–34; Kay Lehman Schlozman et al., *Inequalities of Political Voice*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 19, 68–69 (Lawrence R. Jacobs & Theda Skocpol eds., 2005). Well-educated White people are more likely to use the Internet than those with lower socioeconomic status. Kay Lehman Schlozman et al., *Inequalities of Political Voice*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 19, 68 (Lawrence R. Jacobs & Theda Skocpol eds., 2005). Thus, the use of Internet-based mobilization may allow for new ideas and exchanges, but it does not involve new voters. *Id.* at 68–69. Allowing those who are already mobilized to obtain greater access to political parties serves only to exacerbate socioeconomic inequality. *Id.* at 69.

24. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 215 tbl.7-1 (1993).

25. *Id.*

26. See Presidential Election Results, <http://www.sos.state.tx.us/elections/historical/presidential.shtml> (last visited Apr. 9, 2010) (revealing that Texas general elections have consistently favored Republican candidates for over thirty years, which is largely due to Valley Democrats' reluctance to vote in general elections).

27. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 128 (1993).

B. Methodology

Our research consisted of three primary methods: interviews, a literature review, and data analysis. Using a standardized interview protocol, we interviewed South Texas political actors including local leaders, elected officials, county chairs, party officials, volunteers, and nonprofit leaders. The protocol asked for a narrative of what happened in the 2008 election, which voter turnout techniques were most effective in the eyes of these political actors, and which barriers to turnout they found most difficult to overcome. We also asked for input on potential solutions to the problems that our interviewees mentioned. These interviews provided a deep understanding of the perceptions in the region, both of the barriers to voter turnout and potential solutions. We also reviewed relevant political science literature discussing barriers to voter turnout and the effectiveness of techniques to increase political participation. Finally, we utilized quantitative data from sources including the Texas Secretary of State, local election clerks, tracking and exit polls, and the U.S. Census Bureau to further examine the findings from our literature review and our interviews.

In addition, we spoke with political actors who contributed to the 2008 Southern success stories of North Carolina²⁸ and Virginia.²⁹ In both states, minority voter turnout was a key component to Democratic victory, and unprecedented resources were devoted to increasing minority voter turnout. We also conducted an analysis of African-American voter turnout for the Georgia Democratic Party. Unique elements of these three states' experiences are included throughout as additional examples and ideas.

Our analysis is based on the following twelve counties, which we have designated as "South Texas": Brooks, Cameron, Dimmit, Duval, Hidalgo, Jim Hogg, Maverick, Starr, Webb, Willacy, Zapata, and Zavala. Our data analysis was limited to this specific region, but our interviews were not in order to allow for a wider picture of voter turnout in the region. These counties are heavily Hispanic, with an average Hispanic population of approximately ninety percent.³⁰ They are also geographically contiguous

28. In 2008, Lieutenant Governor Bev Perdue, a Democrat, narrowly edged out the Republican mayor of Charlotte to become North Carolina's first female governor. *North Carolina: Tossup*, N.Y. TIMES, Nov. 6, 2008, at P14, available at 2008 WLNR 21173712.

29. In Virginia, Democrat Mark Warner trounced former Republican governor James S. Gilmore III to claim one of Virginia's two Senate seats and help the Democratic Party solidify its majority in the Senate. David M. Herszenhorn, *Democrats Widen Their Senate Edge to a Solid Majority*, N.Y. TIMES, Nov. 5, 2008, at P12, available at 2008 WLNR 21107302.

30. Brooks County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48047.html> (last visited Apr. 9, 2010) (90.9% Hispanic); Cameron County

and stretch from Brownsville, at the southern tip of Texas, along the border through Laredo and as far north as Eagle Pass. It is important to note that while our region of interest is heavily Hispanic, many more Hispanics live in the urban centers of Houston and San Antonio, which we do not analyze. It is unclear whether our findings would apply externally to these areas.

QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48061.html> (last visited Apr. 9, 2010) (86.3% Hispanic); Dimmit County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48127.html> (last visited Apr. 9, 2010) (83.9% Hispanic); Duval County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48131.html> (last visited Apr. 9, 2009) (87.2% Hispanic); Hidalgo County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48215.html> (last visited Apr. 9, 2010) (89.6% Hispanic); Jim Hogg County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48247.html> (last visited Apr. 9, 2010) (89.4% Hispanic); Maverick County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48323.html> (last visited Apr. 9, 2010) (94.6% Hispanic); Starr County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48427.html> (last visited Apr. 9, 2010) (97.3% Hispanic); Webb County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48479.html> (last visited Apr. 9, 2009) (94.6% Hispanic); Willacy County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48489.html> (last visited Apr. 9, 2010) (86.4% Hispanic); Zapata County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48505.html> (last visited Apr. 9, 2010) (88.3% Hispanic); Zavala County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48507.html> (last visited Apr. 9, 2010) (89.9% Hispanic). In 2008, only 36.5% of the population of Texas was Hispanic. Texas QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48000.html> (last visited Apr. 9, 2010). All data is current as of 2008.

1. South Texas Demographics

SOUTH TEXAS DEMOGRAPHICS³¹

County	% Hispanic	Median Household Income 2008	Population
Brooks	91%	\$25,341	7,549
Cameron	86%	\$30,950	392,736
Dimmit	84%	\$27,895	9,758
Duval	87%	\$33,127	12,033
Hidalgo	90%	\$30,513	726,604
Jim Hogg	89%	\$33,104	5,016
Maverick	95%	\$29,787	52,279
Starr	97%	\$23,929	62,249
Webb	95%	\$36,537	236,941
Willacy	86%	\$29,079	20,600
Zapata	88%	\$32,249	13,847
Zavala	90%	\$23,083	11,678
			Total: 1,551,290
Average	90%	\$29,632.83	
Texas	36.5%	\$47,563	24,326,974
US	15.4%	\$50,740	304,059,724

2. South Texas Voter Turnout

Turnout in general elections in South Texas follows the trends of statewide turnout but remains consistently below the state average.³² In 2008, the average statewide turnout was nearly sixty percent, but in these coun-

31. For sources of table data, see footnote 30; Texas QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48000.html> (last visited Apr. 9, 2010); USA QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/00000.html> (last visited Apr. 9, 2010).

32. While the percentage of voter turnout has grown both statewide and in South Texas, the South Texas counties average a voter turnout increasingly less than the Texas statewide averages by over eleven percentage points in 1996 and 2000, over fourteen percentage points in 2004, and over sixteen percentage points in 2008. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select desired General Election year from the drop-down menu and click "Submit"; then select "President/Vice-President" from the drop-down menu and click "Submit") (last visited Apr. 9, 2010).

ties, turnout was only forty-three percent.³³ In 2008, general election turnout in South Texas was the highest it had been in almost a decade.³⁴ The Democratic vote was also higher in 2008 than it had been in the last three presidential elections in these counties, at over sixty-nine percent.³⁵ However, despite the fact that more registered voters in South Texas voted in 2008, turnout in this region actually fell sixteen percentage points behind the state average.³⁶ In the last decade, turnout here had never lagged this much behind the rest of the state.³⁷ In 2002, turnout here was closest to the state average, falling only six percentage points short, but the gap has since widened.³⁸

Prior to the 2008 primary, concerted GOTV ("Get Out the Vote") efforts from state and national campaigns were sporadic at best. The Clintons made an effort to activate voters in the 1990s,³⁹ and gubernatorial candidate Tony Sanchez ran a campaign in South Texas in 2002,⁴⁰ but little else has happened since then. Dimmit County Chair Betty Sifuentes recalled, "[T]he Presidential Election for the Clintons was probably the last grassroots effort that sought to get the vote out."⁴¹ Even with the competitive primary between Hillary Clinton and Barack Obama in 2008, turnout in the general election still fell far short of the state average.⁴²

33. See Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select "2008 General Election" from the drop-down menu and click "Submit"; then select "President/Vice-President" from the drop-down menu and click "Submit") (last visited Apr. 9, 2010).

34. Ralph Blumenthal, *Texas on Pace for Record Voter Turnout*, N.Y. TIMES, Feb. 29, 2008, at A18, available at 2008 WLNR 4004772.

35. This percentage was found by dividing the total number of Democratic votes by the total number of votes cast in each of the twelve counties in this study, then multiplying by 100, in general elections for 2000, 2004, and 2008. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select desired General Election year from the drop-down menu and click "Submit"; then select "President/Vice-President" and click "Submit") (last visited Apr. 9, 2010).

36. *Id.*

37. *Id.*

38. Office of the Secretary of State, <http://elections.sos.tx.us/elechist.exe> (select "County by County Canvass Report" radio button; then select "2002 General Election" from the drop-down menu and click "Submit"; then select either "President/Vice-President" or "U.S. Senator" and click "Submit") (last visited Apr. 9, 2010).

39. Peter Wallsten & Tom Hamburger, *Campaign '08 Primary Strategies: Clinton-Country Incursion*, L.A. TIMES, Feb. 18, 2008, at 1, available at 2008 WLNR 3140569.

40. Robert T. Garrett, *Hispanics Embrace Conservative Label*, DALLAS MORNING NEWS, Feb. 24, 2010, at A03, available at 2010 WLNR 3903163.

41. Telephone Interview with Betty Sifuentes, Dimmit County Democratic Party Chair (Dec. 23, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

42. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select "2008 General Election"

The Voter Activation Network from the Democratic National Committee shows voter contact by the DNC and other organizations in 2008.⁴³ This data is self-reported and includes contacts made via the mybarack-obama.com interface, where activists could make phone calls from home. In our region of analysis, a total of 205,999 contacts were made this year during the general election. The DNC was responsible for only twenty-two percent of the contacts, with local organizations making the vast majority of voter contact.

II. PROBLEMS PRESENTED: BARRIERS TO TURNOUT

A lack of competitive general election races and the presence of entrenched political factions within the Democratic Party result in conflicting incentive structures that result in poor motivation for political actors to contact voters. While other more traditionally cited barriers do come into play in South Texas, we believe that these two features of South Texas politics are primary contributors to poor turnout in general elections.

A. *Lack of Competitive Races: Primary Versus General*

Noncompetitive races in the general election reduce motivations for political actors to contact voters and reduce motivations for voters to go to the polls, resulting in lower turnout.⁴⁴ These counties are so heavily Democratic that many of them do not have a Republican Party, nor do they hold Republican primary elections.⁴⁵ Local primary races between Democrats are highly competitive, but because the winner of the Democratic primary automatically wins the general election, races for many of the local offices important to South Texans are settled long before November.⁴⁶ We compare turnout in primary and general elections to measure the difference competitive races can make in South Texas.

from the drop-down menu and click "Submit"; then select "President/Vice-President" and click "Submit") (last visited Apr. 9, 2010).

43. Voter Activation Network data on file with *The Scholar: St. Mary's Law Review on Minority Issues*.

44. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 180 (1993) (explaining that the narrower the gap between candidates, the more voter involvement in electoral politics).

45. See *South Texas Can Be Turned Republican*, <http://texasgopvote.com/blog/south-texas-can-be-turned-republican-01242> (Jan. 24, 2010, 5:52 CST) (expressing concern that the Republican Party lacks a strong presence in South Texas). "Republican clubs and county parties are nearly non-existent. The few leaders are volunteers who are handling the job alone and with no guidance or support from the state party." *Id.*

46. Telephone Interview with Billy Leo, Mayor, La Joya, Tex. (Feb. 13, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

Political actors tasked with getting voters to the polls (candidates, campaigns, and paid field workers, or "*politiqueros*") have less incentive to work during general elections. Candidates tend to limit their campaign efforts to the weeks preceding the primary and are often largely absent come November.⁴⁷ La Joya Mayor Billy Leo explains, "In South Texas, the great majority of candidates running in the primaries are *Mexicano* Democrats. They run against each other with a passion you wouldn't believe."⁴⁸ Mayor Leo further states, "[Candidates] bring people out to vote from all over the damn place, working their butts off to get elected. On Election Day during the general you don't see any of that."⁴⁹ The political actors who are highly active during the primary have little motivation to continue through the general election. As Mayor Leo states, "[The *politiqueros*, they] carry out [the] vote, they pick up people physically [if] they're not voting. [But in the general,] no one will hire them because there's no competition."⁵⁰

Local party organizations often rely on state and national campaigns for outreach during the general election, but these campaigns usually do not invest heavily in the region.⁵¹ Says United States Congressman Solomon Ortiz about his local party in Nueces County: "During this recent cycle, our local party just took a back seat to all the Obama stuff going on. They rode that wave instead of adding it on top of what they were doing."⁵² The result is that few actors reach out to voters during the general election. Many voters wait for candidates to solicit their votes or provide voting information, but it never happens.

In South Texas, the data agrees with the perceptions outlined above. Primary election turnout here, as a percentage of registered voters, is significantly higher than it is statewide.⁵³ Though general election turnout tends to exceed primary turnout in presidential election years, in 2008 when there was an unusually competitive presidential primary in addition to competitive local primaries, primary and general election turnout were both higher than in previous elections.⁵⁴

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.* (explaining the role that *politiqueros* play in primary elections).

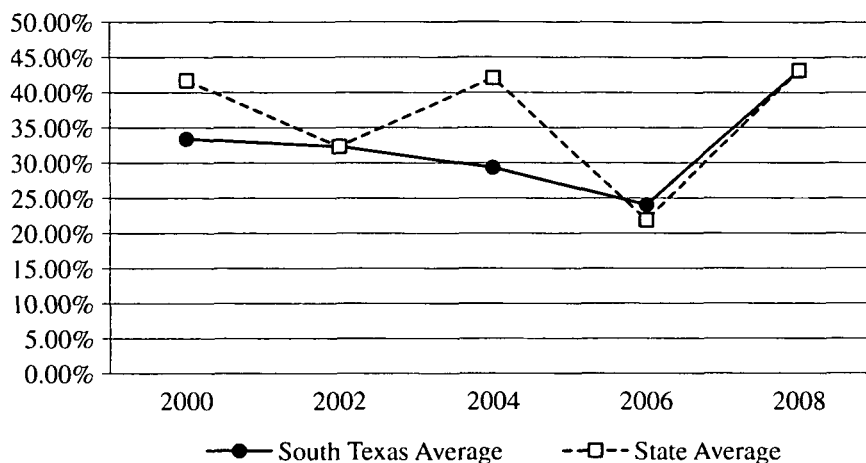
51. Telephone Interview with U.S. Rep. Solomon Ortiz (Feb. 13, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

52. *Id.*

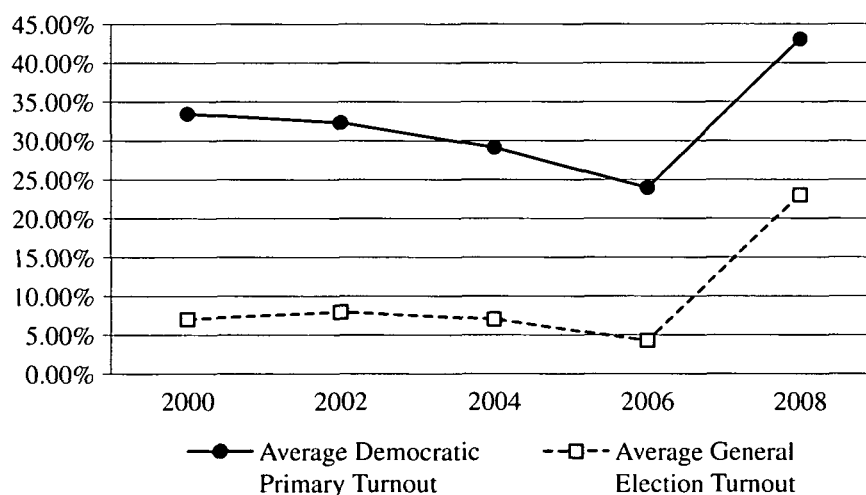
53. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select desired General Election year from the drop-down menu and click "Submit"; then select "President/Vice-President" or "U.S. Senator" and click "Submit") (last visited Apr. 9, 2010).

54. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select the desired Democratic

VOTER TURNOUT IN SOUTH TEXAS



DEMOCRATIC PRIMARY TURNOUT



High turnout in the primaries but not in the general elections illustrates our argument that deficits in turnout in South Texas are not limited to factors that influence only voters. In fact, we find South Texas voters to be surprisingly engaged in electoral politics—just not in the general elections, when political actors have less incentive to contact voters.

Party Primary year or General Election year from the drop-down menu and click “Submit”; then select “President/Vice-President” or “U.S. Senator” and click “Submit”) (last visited Apr. 9, 2010).

B. *Factions and Politiqueros*

Entrenched local political structures known as “factions” dominate politics in South Texas to the disadvantage of the Democratic Party. These factions stem from support of various local elected officials and candidates and from their allegiance to the paid political operatives (*politiqueros*) who run their campaigns.⁵⁵ Once again, the work of Rosenstone and Hansen is particularly applicable because this barrier concerns political actors: these factions have incentive to prevent each other (as well as other regional actors) from participating in voter outreach, which negatively impacts campaign coordination, volunteerism, and, eventually, voter turnout.

1. Competition Trumps Coordination

South Texas factions often harbor resentment and bad blood towards one another, impeding Democratic Party efforts to coordinate on a regional level. Victor Garza of the Hillary Clinton Campaign noted that statewide and national candidates have difficulty navigating this region for fear of stepping on toes.⁵⁶ Jackie Soliz-Chapa, also with the Clinton Campaign, agrees: “[The factions] stem from local races, generations ago, and people still harbor ill will.”⁵⁷ This was problematic even for daily campaign operations. For example, despite the fact that everyone Chapa worked with supported Tony Sanchez in the 2002 governor’s race, Chapa could not get the supporters to work together: “We couldn’t even have them in the office on the same day.”⁵⁸ Not only does this make volunteer coordination difficult, but it gets in the way of information sharing. Local political operatives often have monopolies on certain information and voter files and keep these valuable resources out of the hands of others. Significant inefficiency in campaigning results.

55. See Mike McIntire & Michael Luo, *Legal but Controversial, It Helped Get Out the Vote*, N.Y. TIMES, May 13, 2008, at A18, available at 2008 WLNR 8974961 (relating the story of a *politiquera* who was “among at least 460 Texans, most of them rural Hispanics in South Texas or African-Americans in Houston, who received payments from the Clinton campaign for this kind of work”).

56. Telephone Interview with Victor Garza, Tex. Deputy Dir., Clinton Campaign (Dec. 29, 2008) (on file with *The Scholar: St. Mary’s Law Review on Minority Issues*).

57. Telephone Interview with Jackie Soliz-Chapa, S. Tex. for Clinton (Dec. 27, 2008) (on file with *The Scholar: St. Mary’s Law Review on Minority Issues*). Soliz-Chapa emphasizes the importance of bringing in people from out of state because they do not have any preconceived notions of how they want the region to operate. *Id.*

58. *Id.* The two groups had such intense animosity toward each other that organizers had to ensure that each group worked on separate days and did not have to work together. *Id.*

2. Less Volunteerism

Because paid *politiqueros* dominate politics in South Texas, recruiting volunteers can be difficult. Not only do potential volunteers feel like their efforts won't make a difference, but many also expect monetary compensation.⁵⁹ Nathan Selzer of Mi Familia Vota found the *politiquero* system stifling in terms of recruiting volunteers in South Texas: "There is no notion of real volunteerism for people here. They expect to be paid. It's like . . . 'I'm a volunteer . . . wink, wink.'"⁶⁰ Edward Adrian Sandoval, former Student Government President at the University of Texas Pan American, explained how factions turn off potential volunteers: "There's a perception of corruption in the Valley. There are students and young people in the Valley who would like to make a difference, but are turned off by the cronyism and blatant corruption."⁶¹

3. Less Voter Contact

Competition between *politiqueros* results in less voter contact in South Texas. Even though the *politiquero* system is designed to win elections, it actually gives operatives incentives to suppress turnout.⁶² Nathan Selzer explains: "There are Valley folks that say, 'If you hire me on as a campaign worker, I know I can churn out three hundred people to vote for you.' They come up with a list of names, and the highest bidder gets them."⁶³ Because these operatives want control over who votes, independently mobilized voters with no allegiances are of no interest to them.⁶⁴ Thus, the *politiquero* system does not undertake large-scale or regional efforts to increase turnout.⁶⁵ "And that's where it gets sticky," Selzer explains.⁶⁶ "Within the Party all of these operatives are battling with each other. It doesn't build the Party. It doesn't build participation."⁶⁷

59. Mike McIntire & Michael Luo, *Legal but Controversial, It Helped Get Out the Vote*, N.Y. TIMES, May 13, 2008, at A18, available at 2008 WLNR 8974961 (referring to *politiqueros* as "electoral soldiers of fortune").

60. Telephone Interview with Nathan Selzer, Project Coordinator, Mi Familia Vota (Feb. 24, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*). "The [s]tate should make a major investment in figuring out how to deal with the [V]alley." *Id.*

61. Telephone Interview with Edward Adrian Sandoval, Former President, Univ. of Tex. Pan Am. Student Gov't Ass'n (Mar. 13, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

62. Telephone Interview with Nathan Selzer, Project Coordinator, Mi Familia Vota (Feb. 24, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. Telephone Interview with Nathan Selzer, Project Coordinator, Mi Familia Vota (Feb. 24, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

In some cases, factions may also cause campaigns and organizations to avoid South Texas altogether.⁶⁸ Latinos for Texas, for example, told us that, in general, it avoids the Valley.⁶⁹ Though the organization would like to go there, Political Director Crystal Viagran explained that it was deterred by a perception that the Valley is “controlled by long-time politicians” who “control most of the voting blocs” and “frown on outsiders.”⁷⁰ But because they still successfully win primary elections, factions and *politiqueros* do not seem likely to disappear from Valley politics on their own.

4. Missed Opportunity: Ineffective Targeting

Because voters in South Texas span a wide geographic area, campaigns target likely voters to conserve resources.⁷¹ While this strategy may help ensure that likely voters turn out, it misses an opportunity to turn out more potential Democratic voters. Where communities are politically mixed, this type of targeting is a prudent way to avoid turning out Republicans.⁷² But in South Texas, where voters are so heavily Democratic, this type of targeting leads to missed opportunities to turn out more Democrats who are not currently participating.

Rosenstone and Hansen argue, furthermore, that political leaders tend to target elites when they do voter outreach, especially in terms of soliciting contributions or volunteers, which exacerbates existing inequalities in political participation.⁷³ This is especially true when competitive races

68. Telephone Interview with Crystal Viagran, Political Dir., Latinos for Tex. (Jan. 6, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

69. *Id.* (explaining some of the reasons why her organization avoids operations in the Valley). Viagran mentions the heavy involvement of the *politiqueros* in the Valley as one reason why her organization finds it difficult to operate in the region. *Id.*

70. *Id.*

71. See STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 163 (1993) (“Given their limited resources, . . . parties must decide on whom they will target their efforts. Resources they devote to people who are unlikely to turn out or unlikely to support them are resources wasted.”).

72. See LOUIS DESIPIO, *COUNTING ON THE LATINO VOTE* 30–31 (1996) (noting that Hispanic voters overwhelmingly support Democratic tickets). According to Desipio, “[s]electing high-concentration Latino sites weights the results in favor of the Democrats.” *Id.* at 30.

73. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 163–69 (1993). Because political parties want to win and have limited resources with which to campaign, parties choose to target those who are already most likely to vote. *Id.* at 163. As a result, “because so few people persuade, volunteer, and contribute, party mobilization has its largest effect on the probability that people who are otherwise most likely to participate in other electoral activities—[W]hites, the wealthy, and the well[-]educated—actually will more extensively take part in elections.” *Id.* at 173–74 (footnotes omitted); see also Lawrence R. Jacobs & Theda Skocpol,

are at stake.⁷⁴ South Texas is no exception: as Billy Leo explained, “You need to focus on the others that won’t vote already . . . you need to target the regular Joe, the masses, the uneducated voter, the people who don’t pay attention, the non-activists. The activists will always come out and vote.”⁷⁵ However, those who are most likely to turn out or to contribute are the most likely to be contacted and for good reason.⁷⁶ Representative Ortiz, like most elected officials, believes that running a campaign demands sophisticated targeting of likely voters:

My campaign does very targeted mail and phone calls, as well as block walking. We targeted our precincts to where we knew we had Democratic strongholds, to make sure they came out and voted. We specifically targeted neighborhoods where we could generate support and votes, and in Republican neighborhoods we would target even tighter.⁷⁷

Targeting only urban areas in South Texas similarly misses an opportunity to mobilize many potential Democratic voters. It might be cheaper and easier to campaign in cities, but Congressman Ortiz and Victor Garza both emphasized the importance of rural voters. According to Congressman Ortiz, “We really need to focus on those communities with weak party systems, those smaller, rural counties. No one is engaging these people on the local level.”⁷⁸ Garza pointed out that rural counties won the primary in Texas for Hillary Clinton, despite the usual Democratic strategy of targeting urban areas.⁷⁹

Studying Inequality and American Democracy: Findings and Challenges, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 214, 216 (Lawrence R. Jacobs & Theda Skocpol eds., 2005) (explaining that “when it comes to seeking campaign contributors and volunteers[,] the Democratic Party converges on a . . . group of affluent adherents” similar to those targeted by Republicans, effectively spending money on those who may vote for the opposition party). Jacobs and Skocpol assert that “[t]argeting the already active” often has the effect of “reinforce[ing] decrements and inequalities in voter turnout.” Lawrence R. Jacobs & Theda Skocpol, *Studying Inequality and American Democracy: Findings and Challenges*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 214, 216 (Lawrence R. Jacobs & Theda Skocpol eds., 2005).

74. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 183 (1993).

75. Telephone Interview with Billy Leo, Mayor, La Joya, Tex. (Feb. 13, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

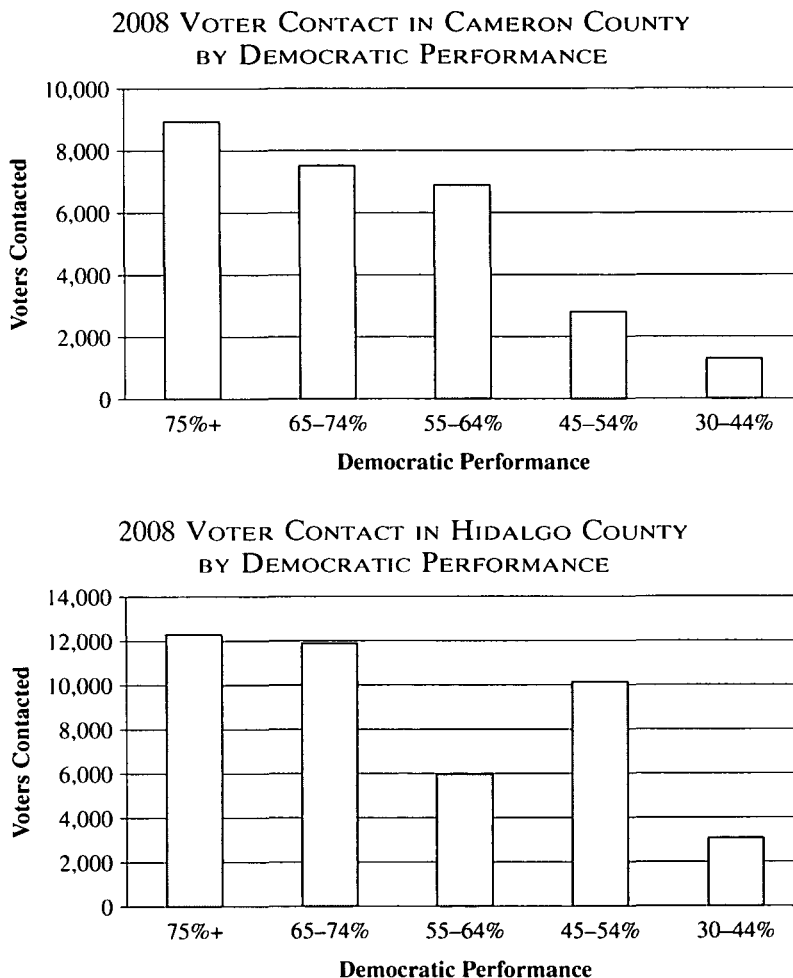
76. David Callahan, *Ballot Blocks: What Gets the Poor to the Polls?*, *THE AM. PROSPECT*, July 1, 1998, available at http://www.prospect.org/cs/articles?article=ballot_blocks.

77. Telephone Interview with U.S. Rep. Solomon Ortiz (Feb. 13, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

78. *Id.*

79. Telephone Interview with Victor Garza, Tex. Deputy Dir., Clinton Campaign (Dec. 29, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

Though data from many South Texas counties remains to be seen, results from Cameron and Hidalgo County indicate that while such discriminatory targeting is not ubiquitous, it certainly exists.⁸⁰ In Cameron County, high-performing Democrats were contacted at much higher rates than low-performing Democrats within the Hispanic voting population. In Hidalgo County, though, where there was the most voter contact and where there are fewer Republicans, low-performing Democrats were contacted at about the same rate as high-performing Democrats within the Hispanic voting population.



80. Data obtained from the Voter Activation Network on file with *The Scholar: St. Mary's Law Review on Minority Issues*.

In South Texas, ineffective targeting does a disservice to the Democratic Party, which is not only predicated on ideals of inclusion, but also depends on low-income, minority voters (who are low-propensity voters) for support.⁸¹

In fact, such targeting may explain, in part, why state and national campaigns have long neglected South Texas. Literature from Louis DeSipio,⁸² as well as interviews with campaign operatives, suggest that some campaigns avoid entire Hispanic communities based on perceptions that they are disproportionately ineligible to vote. Daniel Crawford, an Obama organizer in Georgia, explained that though he wanted to make inroads with the Hispanic community, “[f]or every one Latino you had who was a U.S. citizen, you had nine who weren’t, which made voter mobilization and tactics really difficult. You could talk to five hundred people at a grocery store and end up registering ten.”⁸³ The literature supports the hypothesis that this may impact how many low-income or minority voters are contacted by political actors: Jacobs and Skocpol argue that typical campaign targeting exacerbates inequalities by locating voters who already lean the “right” way and are likely to vote—voters who are disproportionately high-income and White.⁸⁴ A 1995 study found that, while 40.1% of White voters nationwide report having been asked to contact a government official, only 9.3% of Latinos were asked.⁸⁵

Whether it is true that organizers avoid contacting Hispanic voters in South Texas for these reasons, this perception makes it less likely that the many eligible voters in these communities will be contacted. By similarly writing off rural areas or other voting blocs deemed low-propensity, the Party misses potential to mobilize a swath of likely Democratic voters.

81. See Lawrence R. Jacobs & Theda Skocpol, *Studying Inequality and American Democracy: Findings and Challenges*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 214, 216 (Lawrence R. Jacobs & Theda Skocpol eds., 2005) (criticizing targeting efforts that focus on the affluent and the well-educated—those already most likely to vote—because these efforts neglect the groups most likely to vote Democratic).

82. LOUIS DESIPIO, *COUNTING ON THE LATINO VOTE: LATINOS AS A NEW ELECTORATE* (1996).

83. Telephone Interview with Daniel Crawford, Reg'l Field Dir., Obama for America (2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

84. Lawrence R. Jacobs & Theda Skocpol, *Studying Inequality and American Democracy: Findings and Challenges*, in *INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN* 214, 216–17 (Lawrence R. Jacobs & Theda Skocpol eds., 2005).

85. JAN E. LEIGHLEY, *STRENGTH IN NUMBERS? THE POLITICAL MOBILIZATION OF RACIAL AND ETHNIC MINORITIES* 102 (2001).

5. Disclaimer: Lack of Resources

A lack of resources in the Democratic Party in Texas is clearly a stumbling block to increasing turnout and winning elections; it directly influences what political actors are able to do in terms of voter contact.⁸⁶ However, the lack of resources problem is recursive. While the importance of money is quite real, complaints about a lack of resources threaten the Party's reputation and make donors less willing to contribute, which, in turn, makes gathering resources a challenge.⁸⁷ For this reason, we will simply note that this is a legitimate problem here, but we will not focus our analysis or our potential solutions on the need to simply spend more money in the region.

The aforementioned barriers that influence political actors and their motivation and ability to contact voters explain, in large part, the low turnout we observe in general elections in South Texas. Like Rosenstone and Hansen, we emphasize that mobilization by political actors, or the lack thereof, has a critical and undernoted impact on whether or not these Democrats will vote.

C. *Traditional Barriers*

The barriers to turnout outlined in traditional political science literature on voting also come into play in South Texas. Here, we briefly explore the barriers that impact the costs associated with voting. Our analysis, however, focuses primarily on political actors.

1. Registration

Registration restrictions are often cited as a significant barrier to voter turnout, but in South Texas, registration does not actually seem to be a serious impediment. In fact, based on figures from the Texas Secretary of State⁸⁸ and the Census,⁸⁹ the number of registered voters in each county is quite high.

86. See David Callahan, *Ballot Blocks: What Gets the Poor to the Polls?*, THE AM. PROSPECT, July 1, 1998, available at http://www.prospect.org/cs/articles?article=ballot_blocks ("The basic approach of community organizing groups is to empower poor people by helping them to achieve victories that directly affect their neighborhoods and thus to see that political involvement is not pointless. Getting the poor into the habit of voting is one long-term aim of this strategy.").

87. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 133–34 (1993).

88. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select "County by County Canvass Report" radio button; then select "2008 General Election" from the drop-down menu and click "Submit"; then select "President/Vice President" and click "Submit") (last visited Apr. 9, 2010).

2. Early Voting

The percentage of registered voters voting early in South Texas is currently at only 24.95%⁹⁰—more than fourteen percentage points less than the state average.⁹¹ This indicates potential problems in the laws and regulations that govern how early voting is conducted.

The most populous South Texas counties in 2008 also show a tendency for the Hispanic population to have considerably lower early voter turnout.⁹² Low early voter turnout could be a problem in this region and,

89. Texas QuickLinks from the US Census Bureau, <http://quickfacts.census.gov/qfd/states/480001k.html> (click on "Estimates for Texas counties" hyperlink) (last visited Apr. 9, 2010).

90. Brooks County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/brooks.shtml> (last visited Apr. 9, 2010) (992 early voters out of 6456 registered voters, or 15.37%); Cameron County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/cameron.shtml> (last visited Apr. 9, 2010) (38,763 early voters out of 174,428 registered voters, or 22.22%); Dimmit County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/dimmit.shtml> (last visited Apr. 9, 2010) (1822 early voters out of 7487 registered voters, or 24.34%); Duval County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/duval.shtml> (last visited Apr. 9, 2010) (2283 early voters out of 9345 registered voters, or 24.43%); Hidalgo County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/hidalgo.shtml> (last visited Apr. 9, 2010) (86,692 early voters out of 305,316 registered voters, or 28.39%); Jim Hogg County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/jimhogg.shtml> (last visited Apr. 9, 2010) (622 early voters out of 3897 registered voters, or 15.96%); Maverick County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/maverick.shtml> (last visited Apr. 9, 2010) (5497 early voters out of 27,050 registered voters, or 20.32%); Starr County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/starr.shtml> (last visited Apr. 9, 2010) (3925 early voters out of 27,474 registered voters, or 14.29%); Webb County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/webb.shtml> (last visited Apr. 9, 2010) (27,553 early voters out of 105,448 registered voters, or 26.13%); Willacy County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/willacy.shtml> (last visited Apr. 9, 2010) (1506 early voters out of 11,278 registered voters, or 13.35%); Zapata County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/zapata.shtml> (last visited Apr. 9, 2010) (1041 early voters out of 7224 registered voters, or 14.41%); Zavala County Voter Registration Figures, <http://www.sos.state.tx.us/elections/historical/zavala.shtml> (last visited Apr. 9, 2010) (2306 early voters out of 8124 registered voters, or 28.39%). All data is from 2008.

91. HOPE ANDRADE, TEX. SEC'Y OF STATE, RACE SUMMARY REPORT: UNOFFICIAL ELECTION TABULATION, 2008 GENERAL ELECTION 1 (2008), available at <http://www.sos.state.tx.us/elections/forms/enrrpts/2008gen.pdf> (5,351,660 voted early in the 2008 General Election out of 13,575,062 registered voters statewide, or 39.42%). In Texas, early voting begins seventeen days before Election Day and ends four days before Election Day. TEX. ELEC. CODE ANN. § 85.001(a) (Vernon 2010).

92. The South Texas counties with the highest populations overall are Hidalgo, Cameron, Webb, Starr, and Maverick; among these, the county with the highest Hispanic population is Starr (97% Hispanic), which had the lowest early voting turnout in 2008 (14.29%); the county with the lowest Hispanic population is Cameron (86% Hispanic), which had the

while not the emphasis of our analysis, it is worth considering when designing voter turnout strategies in South Texas.⁹³

3. Socioeconomic Status

Traditionally, political science on voting finds socioeconomic status to be an important barrier.⁹⁴ Rosenstone and Hansen find that the wealthiest Americans are 15.8% more likely to vote in presidential elections and that college-educated Americans are 16.6% more likely to vote in presidential elections than the average voter.⁹⁵ The effect of race and culture on electoral participation is less clear. Some studies indicate that race is a factor only because it is so closely tied to socioeconomic status.⁹⁶ For instance, some political scientists argue that “once group disparities in participatory resources—in particular education, income, and job-related civic skills—are taken into account, the disparities in participation among non-Hispanic [W]hites, African[-]Americans, and Hispanics disappear.”⁹⁷ Race and other socioeconomic factors are issues whose resolution is clearly beyond the scope of any campaign organization, but they should be kept in mind when formulating strategies to turn out minority voters.

III. LEGAL BARRIERS

A. History of Election Law and Preclearance

The history of election law with regard to preclearance provides important background for the equal voting rights of all citizens, minority or otherwise. The Fifteenth Amendment states, “[T]he right of citizens of the United States to vote shall not be denied or abridged . . . on account of race, color, or previous condition of servitude.”⁹⁸ The amendment also mandates that Congress has “the power to enforce this article by appro-

highest early turnout rate in 2008 (51.24%). See footnote 90 for South Texas early voter turnout figures.

93. Cf. Sean Flynn, Comment, *One Person, One Vote, One Application: District Court Decision in Ray v. Texas Upholds Texas Absentee Voting Law that Disenfranchises Elderly and Disabled Voters*, 11 SCHOLAR 469, 509 (2009) (describing the unintended impact of Texas Election Code § 84.004, which criminalizes signing as a witness multiple absentee ballot applications on behalf of early voters who, by reason of illiteracy or disability, cannot physically sign their own ballots). Thus, early voting restrictions may have an exceptionally adverse impact on elderly Hispanic voters in South Texas. See *id.*

94. RAYMOND E. WOLFINGER & STEVEN J. ROSENSTONE, WHO VOTES? 13 (1980).

95. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA 134–35 (1993).

96. Kay Lehman Schlozman et al., *Inequalities of Political Voice*, in INEQUALITY AND AMERICAN DEMOCRACY: WHAT WE KNOW AND WHAT WE NEED TO LEARN 19, 40 (Lawrence R. Jacobs & Theda Skocpol eds., 2005).

97. *Id.*

98. U.S. CONST. amend. XV, § 1.

priate legislation.”⁹⁹ Unfortunately, Congress’s early attempts to provide equal voting rights “were inconsistently applied and repealed with the rise of Jim Crow,”¹⁰⁰ effectively denying racial minorities the right to vote.

Congress responded with the Voting Rights Act of 1965 (VRA).¹⁰¹ The VRA prohibits any “standard, practice, or procedure” that “results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color.”¹⁰² The VRA abolished all literacy tests and other kinds of testing used for voter disqualification.¹⁰³ The Supreme Court relied on the VRA to end the practice of racial disenfranchisement.¹⁰⁴

One particularly important part of the VRA is Section 5, which disallows any changes to state election procedure without preclearance by a panel of three federal district court judges in Washington, D.C. or by the United States Attorney General.¹⁰⁵ Preclearance will only be granted if the proposed change “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color.”¹⁰⁶

Congress reauthorized the VRA in 1970, 1975, and 1982, and most recently in 2006.¹⁰⁷ The Supreme Court has “upheld each of these reauthorizations against constitutional challenges, finding that circumstances continued to justify the provisions.”¹⁰⁸ Additionally, rather than diminish the prerequisite clearance standards, “Congress [has] amassed a sizable record in support of its decision to extend the preclearance requirements,” and as recently as June 2009, the Supreme Court declined to rule that preclearance is unconstitutional.¹⁰⁹

99. *Id.* § 2.

100. *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 129 S.Ct. 2504, 2508 (2009) (citing *South Carolina v. Katzenbach*, 383 U.S. 301, 310 (1966)).

101. 42 U.S.C. §§ 1973–1973bb-1 (2006).

102. *Id.* § 2(a).

103. *Id.*

104. *Nw. Austin Mun. Util. Dist. No. One*, 129 S.Ct. at 2509.

105. Voting Rights Act of 1965 § 5(a).

106. *Nw. Austin Mun. Util. Dist. No. One*, 129 S.Ct. at 2509.

107. Jeffrey Toobin, *Voter, Beware*, THE NEW YORKER, Mar. 2, 2009, available at http://www.newyorker.com/talk/comment/2009/03/02/090302taco_talk_toobin.

108. *Nw. Austin Mun. Util. Dist. No. One*, 129 S.Ct. at 2510 (citing *Georgia v. United States*, 411 U.S. 526 (1973)).

109. *Id.* at 2513 (refusing to consider the constitutionality of Section 5 in favor of resolving the case on other grounds). In his dissent, Justice Thomas argued that the majority opinion’s “constitutional avoidance” of Section 5 suggests that the Court does not believe that the provision is constitutional. *Id.* at 2518 (Thomas, J., dissenting). Asserting that “it is necessary to definitively resolve” whether Section 5 is unconstitutional, Justice Thomas, for his part, answered in the affirmative. *Id.* at 2515.

B. *Texas's Proposed Voter Identification Law and the Problem of Preclearance*

The Texas legislature is currently considering a stringent voter identification law.¹¹⁰ This law would require that all registered voters in Texas, when arriving at their polling places, must present a voter registration card *and* a form of photo identification.¹¹¹ This law will likely adversely affect minority populations in South Texas because any extra procedural costs required for voting most directly impact those with the least amount of political resources, namely, racial and ethnic minorities.¹¹²

1. Texas Senate Bill 362

On March 18, 2009, the Texas Senate passed Senate Bill 362, which if passed in the Texas House of Representatives would require all voters to present photographic identification at the polling place.¹¹³ If the bill is passed in a future session, Texas will join seven other states in mandating additional identification in order to vote.¹¹⁴ This is problematic because those voters without identification—often elderly, poor, and minority voters—will be barred from exercising their Fifteenth Amendment right.¹¹⁵

110. R.G. Ratcliffe & Janet Elliott, *Voter ID Battle Heads to Senate*, HOUS. CHRON., Mar. 10, 2010, available at <http://www.chron.com/disp/story.mpl/metropolitan/6302093.html>.

111. Tex. S.B. 362, 81st Leg., R.S. §§ 6, 10 (2009).

112. See Matt A. Barreto et al., *The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate* 4 (Wash. Inst. for the Study of Ethnicity & Race, Working Paper), available at http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf.

113. Texas Legislature Online—81(R) History for SB 362, <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=SB362> (last visited Apr. 9, 2010).

114. State Requirements for Voter ID, <http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/StateRequirementsforVoterID/tabid/16602/Default.aspx#tx> (last visited Apr. 9, 2010).

115. Matt A. Barreto et al., *The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate* 13–15 (Wash. Inst. for the Study of Ethnicity & Race, Working Paper), available at http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf. According to this study, Whites are significantly better able to access photo identification than non-Whites. *Id.* at 13. Similarly, access to identification decreases as age over fifty increases, from 86.2% access at age fifty, to 85.1% at age sixty, to 81.4% at age seventy-five, and to 74.3% at age eighty-five. *Id.* at 14. Moreover, voter identification laws have a partisan impact: statistically, Republicans have greater access to identification than Democrats, putting an extra burden on those who typically vote Democratic. *Id.* at 16. As a result of Indiana's photo identification laws, "minority, low-income, and less educated Indiana residents are less likely to have access to valid photo identification. This strongly implies that Indiana voting laws significantly reduce the opportunity to vote for these segments of the state electorate." *Id.* Notably, however, Texas's proposed requirement is less stringent than Indiana's. Compare Tex. S.B. 362, 81st Leg., R.S. §§ 6, 10 (2009) (requiring that a voter present either photo identification or multiple non-photographic identifica-

Texas Senator Leticia Van de Putte questioned the ability of the Texas legislature to defend this bill on preclearance.¹¹⁶ Senator Van De Putte asked the Deputy Secretary of State, “Does the Secretary of State track the racial status of registered voters? If not, how will the state prove that Senate Bill 362 does not have an adverse impact on minority voters when the state submits the bill for preclearance?”¹¹⁷ The Deputy Secretary of State responded:

Because racial status is not considered in a person’s eligibility to register to vote[], the state[-]prescribed voter registration application does not request this information from voters. As a result, the state does not have statistics regarding the race or ethnicity of registered voters in Texas. We do have data on the number of registered voters with Hispanic surnames, but this data is inconclusive as it simply matches the surname of registered voters against a list of identified Hispanic surnames provided by the U.S. Census Bureau.¹¹⁸

The Deputy Secretary of State surmised that “[a] similar effort to obtain [data on race and ethnicity] may be required for a voter identification bill,” but proposed no plans to compile this data.¹¹⁹

Without a clear understanding of how this voter identification bill will affect minorities, Texas risks deterring Hispanic voters in South Texas, many of whom do not have the resources to provide election agents with additional identification.¹²⁰ If the Texas legislature is unable to defend the bill with the data requested by Senator Van de Putte, it is unlikely that it will pass the necessary preclearance. Thus, the Texas legislature’s

tions), with IND. CODE ANN. § 3-11-8-25.1 (West 2009) (requiring that an election official challenge any voter who does not present proof of identification) and IND. CODE ANN. § 3-5-2-40.5 (West 2009) (defining “proof of identification” as a document that “shows a photograph of the individual to whom the document was issued”).

116. S.J. of Tex., 81st Leg., Reg. Sess. 590–91 (2009), available at <http://www.journals.senate.state.tx.us/sjrn/81r/pdf/81RSJ03-18-F.PDF#pages=7>.

117. *Id.*

118. *Id.*

119. *Id.*

120. See Joel A. Heller, Note, *Fearing Fear Itself: Photo Identification Laws, Fear of Fraud, and the Fundamental Right to Vote*, 62 VAND. L. REV. 1871, 1878 (2009) (“[V]oters who lacked a photo ID tended also to lack the means to obtain one.”); Matt A. Barreto et al., *The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate 4* (Wash. Inst. for the Study of Ethnicity & Race, Working Paper), available at http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf (explaining the burden of these identification laws upon minority voters).

efforts to pass the bill would merely waste state resources and endorse discrimination.¹²¹

2. Bilingual Ballots

Another bill that stalled in the Texas legislature in 2009 would have prohibited the use of taxpayer dollars to produce Spanish-language voter forms and instructions.¹²² Though the bill stalled after only one reading,¹²³ its introduction is a reminder of the ongoing threat to Hispanic voters in South Texas.

The Voting Rights Act of 1965 prohibits the administration of English-only elections, requiring that counties with significant linguistic minorities provide election documents in both English and the predominant second language.¹²⁴ In Texas, any county in which five percent or more of the citizens are of Hispanic origin or descent must provide election materials in both English and Spanish.¹²⁵ These materials include early voting applications and materials; Election Day instruction posters, ballots, and affidavits; and other forms that voters are required to sign.¹²⁶

Opponents of bilingual ballots argue that providing materials in several languages is expensive and ineffective and that Congress does not have the power to regulate state electoral procedure.¹²⁷ But the Supreme Court stated in *Ex Parte Virginia* that it is within the purview of Congress to pass legislation in order to enforce the Civil War Amendments.¹²⁸ This ruling was reaffirmed in 1966, when the Court declared in *South Carolina v. Katzenbach* that Congress has broad power to regulate states' voting

121. If Texas goes forward with this voter identification law, not only will the legislature have to obtain demographics on race and ethnicity in order to make a case for preclearance, but it will likely have to endure costly litigation expenses in federal courts.

122. Tex. H.B. 81, 81st Leg., R.S. (2009) (forbidding state agencies in Texas from using public money to print any document in a language other than English).

123. Texas Legislature Online—81(R) History for H.B. 81, <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=HB81> (last visited Apr. 9, 2010).

124. Voting Rights Act of 1965 § 4(f), 42 U.S.C. § 1973b(f) (2006).

125. TEX. ELEC. CODE ANN. § 272.002 (Vernon 2003). The law has given a voice to the language minority in Texas. Brian J. Sutherland, *The Patchwork of State and Federal Language Assistance for Minority Voters and a Proposal for Model State Legislation*, 65 N.Y.U. ANN. SURV. AM. L. 323, 360 (2009).

126. TEX. ELEC. CODE ANN. §§ 272.004–272.005 (Vernon 2003).

127. James Thomas Tucker, *The Battle over “Bilingual Ballots” Shifts to Courts: A Post-Boerne Assessment of Section 203 of the Voting Rights Act*, 45 HARV. J. ON LEGIS. 507, 510–11 (2008).

128. 100 U.S. 339, 345 (1879).

practices.¹²⁹ Thus, Congress has expansive power to limit racial discrimination at the polls.¹³⁰

Both the federal Voting Rights Act and the Texas Election Code require that Spanish language election materials are provided in heavily Spanish-speaking counties, such as those in South Texas. But both of these proposed Texas bills would present significant barriers to turnout in South Texas. Not only would voters who are unable to present photo identification at the polls—despite being legally registered—be denied the right to vote, but those who do not speak or read English would also be prevented from exercising their Fifteenth Amendment right. The problem of voter turnout is both societal and cultural, but legal barriers also block minority access to the polls on the most fundamental level.

Despite these barriers, when explaining low voter turnout in South Texas, it is critical to understand the influence of political actors and the incentive structures they face to mobilize voters. As such, the primary barriers to turnout in the region are a lack of competitive races and political factions. Turnout differences between primary and general elections illustrate, to some degree, the impact that political actors can have on potential voters. Other barriers involving the voters themselves and their willingness and ability to go to the polls are important as well, but they are not the emphasis of our analysis.

IV. SOLUTIONS

The proposed solutions to the problems laid out in the first three parts of this Article fall into three categories: engaging South Texas communities, encouraging new political activity, and opposing discriminatory legislative action. The first—engaging South Texas communities—speaks to the problem of election activity disappearing after the primaries. The second—encouraging new political activity—seeks to dilute the influence of factions in the region. Because both of these problems deal with the work of political actors, our solutions propose ways that the TDP can alter the poor incentive structures in the region.

129. 383 U.S. 301, 327–28 (1966).

130. JOHN MABRY MATHEWS, *LEGISLATIVE AND JUDICIAL HISTORY OF THE FIFTEENTH AMENDMENT* 105 (1909).

<i>Incentive Structures for Political Actors</i>		
Problem	Solution	Specific Recommendations
Lack of Competitive Races	Engage South Texas Communities	<ul style="list-style-type: none"> - TDP Presence in South Texas - Involve South Texas in State Party Structure - Train Local Parties - Sustain Community Organizing - Legislative Action: Municipal Election Changes
Factions	Encourage New Political Activity	<ul style="list-style-type: none"> - Encourage State and National Campaign Presence - Get Young People Involved

Finally, the TDP must actively oppose discriminatory legislation that threatens Hispanic voters' ability to participate at the polls.

A. Engage South Texas Communities

Because little political activity takes place in South Texas between primary elections, this section focuses on ways to generate and maintain community involvement in local affairs that will outlast the primaries. We will look at five ways in which the TDP can help correct the incentive problems present during general elections: by increasing TDP presence in South Texas, by involving South Texas in the TDP structure, by training local parties, by providing sustained community organizing, and through legislative action.

1. TDP Presence in South Texas

Opening a TDP office in South Texas would give the TDP an unprecedented presence in the region, as well as a convenient hub from which to centralize campaign activity in the Valley. Opening an office is obviously a considerable expense, but the returns would be substantial. While county party organizations serve as representatives of the TDP in the region, their efforts would be more effective with the backing of a regional office. Such an office is valuable not only for the purposes of building capacity and providing adequate training, but also because it would allow the TDP to provide an alternative to local factions.

To save resources and political capital, the office should open only after the primary election is over; the TDP should step in when local actors no longer have incentives to participate but when the TDP needs these vot-

ers the most. Having the campaign office open during the primaries would not be as wise of an investment, since it is unlikely that rival factions would bond over the shared office space.¹³¹ After the primaries, the TDP staffer—already responsible for overseeing South Texas activity, building rapport with South Texas leaders, and developing a network of volunteers and activists—can oversee the office as a full-time South Texas director.

The office would help with coordination between campaigns, increase the TDP's ability to contact voters, and help align local interests with the interests of the TDP. This solution touches on the major problems that arise from factions and from a lack of resources. The office would serve as a central location for volunteers, helping to launch a permanent volunteer base aligned with the Democratic Party instead of with *politiqueros*.

An increased TDP presence in the region would also make nonprofits that are concerned with factions feel less threatened. In turn, an increased presence of respected nonprofits in the region would help dilute the influence of the *politiquero* network. While the TDP cannot directly coordinate with nonprofits for legal reasons, the mere presence of the TDP will create an environment more conducive to nonprofit activity that would supplement the activities of the TDP.

The TDP should open a regional office in South Texas, resources permitting. This investment would have a very high return, perhaps the highest of any of our recommendations, despite its high costs.

2. Involve South Texas in State Party Structure

The TDP should work to involve South Texas leaders and local parties more in its convention process. Victor Garza explained: "Until the South Texas community participates in the convention process and makes an argument to change how these decisions [about resource allocation] are made, it's difficult for us to complain."¹³² Currently, delegate representation is determined by general election turnout, per state election law and TDP rules.¹³³ This rule, intended to encourage greater general election turnout, actually achieves the opposite result because it decreases the commitment of those who are underrepresented in the process to TDP goals. Some have suggested that primary election turnout be used, in

131. Telephone Interview with Jackie Soliz-Chapa, S. Tex. for Clinton (Dec. 27, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

132. Telephone Interview with Victor Garza, Tex. Deputy Dir., Clinton Campaign (Dec. 29, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

133. *Two Steps Forward, Two Steps Back*, TEX. OBSERVER, Mar. 21, 2008, at 20, available at 2008 WLNR 7075417.

part, to determine delegate selection. Others respond that this would negatively impact general election turnout by decreasing incentives for voters to turn out (though we disagree, as none of the major sources of low turnout in the general election stem from representation in the convention process).

Giving South Texans more of a say in TDP operations would actually give party operatives greater incentives to reach out to the region. Currently, local campaigns and parties feel like they are “on their own” and are less invested in the regional or statewide mission of the party. Participation in the activities of the TDP would give South Texans reason to stay involved beyond the primaries, and state leaders reason to keep South Texans engaged. Involving local political actors in decisions at the TDP level would also help to align their incentives with the goals of the Party as a whole.

While changing the rules by which delegates are appropriated to various regions would be difficult, we argue that it would be worthwhile, given the potential value to the TDP of correcting the isolation of South Texas politics. However, even without changing these rules, South Texas can still be more involved in TDP decision-making. For example, the TDP could hold more workshops in the region to solicit input on the platform or on other important Party decisions. The costs of implementing this solution are mostly political. Other regional interests within the Party may feel threatened by increased input from South Texas leaders. However, given the critical importance of this region in any statewide strategy, proportional representation within the Party is probably long overdue. Other costs might include the administrative costs of holding workshops or creating surveys. Local buy-in of this reform would likely be quite high—everyone wants to be heard and to be solicited for input.

We recommend that the Party involve South Texas representatives more in the convention and platform development processes.

3. Train Local Parties

The TDP could invest more in the professional development of its County Chairs in South Texas to help them develop ways to build and sustain Democratic Party involvement. Currently, the Texas Democratic County Chairs Association (TDCCA)¹³⁴ holds frequent trainings for

134. Texas Democratic County Chairs Association, <http://www.tdcca.org> (last visited Apr. 9, 2010).

County Chairs, but does not regularly hold trainings in South Texas.¹³⁵ Though the TDCCA holds trainings in San Antonio in hopes of attracting more Chairs from South Texas, TDCCA President Bill Holcomb explains that many South Texas County Chairs do not have the resources to take the time and money to travel to San Antonio.¹³⁶ The TDP also trains County Chairs and provides information about best practices from its Austin office, but once again, a stronger presence in the region would increase the impact of these efforts, making local party organizations notice and appreciate resources more.

While County Chairs are a vital resource, some still remain uninvolved. Holcomb explains, "Most of them are new chairs and they're so busy getting their feet on the ground because they're just trying to learn the basics and don't realize I can help them."¹³⁷ Making the trainings more available in their region would lower the costs of County Chairs' involvement. Currently, the TDP and the TDCCA coordinate to some extent, but the partnership between the two organizations should be further developed. For instance, the TDP could host more events for which the TDCCA could provide the speakers and training.

The TDP could also, from a regional office, better solicit and circulate information on best practices for these local leaders. While there is no doubt that these leaders are highly invested in their communities, as our interviews have shown, their methods vary by county and are often informal. As we discussed, some counties have very active local parties, and others do not. The resources available to these leaders to improve their performance and facilitate coordination and information-sharing are too limited. Currently, the gaps are often filled by *politiqueros* alone.

This solution addresses several of the problems we have discussed. As these leaders are highly invested in their communities and often represent different factions or regional interests, increasing their contact with the TDP, especially through a regional office, would go a long way towards aligning local interests with state interests. This solution also addresses coordination problems that result from factions monopolizing useful information. More effective coordination would also presumably increase the ability of local parties to turn out voters. Finally, such training develops community leaders who are invested in the TDP, instead of just in local races, which development would build a volunteer base that

135. Telephone Interview with Bill Holcomb, President, Tex. Democratic County Chairs Ass'n (Mar. 16, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

136. *Id.*

137. *Id.*

lasts beyond any particular election. The problems, again, are the most critical in South Texas, so this reform would greatly help.

Training County Chairs and sharing best practices is a high-impact reform; we suggest it be implemented if resources are available, regardless of the presence of a statewide or national campaign in the region.

4. Sustained Community Organizing Presence

As part of the TDP's efforts to increase its presence in South Texas, a regional office could actively engage the community during elections and throughout the year. Holding local events, designating block captains, and other strategies are already working well in South Texas, and the TDP could go beyond traditional GOTV efforts to fund and organize such activities. Currently, these events and voter efforts are limited to local campaigns and candidates, instead of the Democratic Party more generally.

The resources to hold events and the labor costs of tapping community leadership and implementing and supervising neighborhood responsibility programs could be substantial. They would likely be much smaller, however, than the costs of conducting extensive messaging research, developing more complete voter lists, and doing any number of traditional voter outreach strategies, such as by mail, phone, or block walking. For these reasons, we classify these costs as moderate. Local buy-in would likely be very high, as these events present opportunities for local leaders to gain exposure and for local neighborhoods and parties to hold more events and work with the TDP to develop more formal neighborhood organization plans. If this strategy is implemented in tandem with the regional TDP office, as described above, the costs of adding community organizing policies would likely be even lower, and the benefits would be higher (because these policies would nicely reinforce the increased presence of the TDP in South Texas).

There are two types of community organizing—local events and block captain structures—that our interviewees found particularly effective and that we recommend the TDP undertake. The first type is local events. Despite limited involvement from campaigns, local party organizations found success hosting local events. County Chair Michael Guerra, for instance, explains, “We put on events like picnics and dances to remind people to get out and vote because none of the local races do anything in November.”¹³⁸

138. Telephone Interview with Michael Guerra, Brooks County Democratic Party Chair, Brooks County, Tex. (Dec. 13, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

Literature supports the idea that local events can make a difference in voter turnout. Addonizio, Green, and Glaser measured the impact of an Election Day festival in New Hampshire to determine whether “putting the party back into politics” increases voter turnout.¹³⁹ They found that the festival increased voter turnout in this locality by 10.4 percentage points.¹⁴⁰ Rosenstone and Hansen clearly agree that political actors and the outreach they organize are critical factors in determining turnout.¹⁴¹

In fact, almost all of our interviewees emphasized the importance of “*pachangas*,” or political barbeques. According to Representative Ortiz, “You can flood TV and radio with commercials,” but “if you don’t have someone on the ground locally doing more than your traditional media, having little *pachangas*, distributing flyers with local taste, a local touch, you lose a lot of people. It happens in a lot of South Texas counties. The local, personal touch matters to people when they vote.”¹⁴² Hosting these types of events can help sustain activity between primary elections, when such events are currently scarce.

The second type of community organizing is the use of block captains. County Chair Gilberto Hinojosa explained the “block captain” program, which was hugely successful in Cameron County.¹⁴³ First, the TDP targeted the twenty-five to thirty largest precincts in the county.¹⁴⁴ The TDP conducted a phone bank, during which volunteers would ask people if the party could count on their vote for the Democratic ticket.¹⁴⁵ If they said yes, they were asked if they could help turn out their neighbors by being block captains.¹⁴⁶ The TDP then called the *barrios*¹⁴⁷ block by block until volunteers found a captain for each neighborhood—three hundred in all.¹⁴⁸ Each block captain was sent a packet of information, campaign paraphernalia, a sample ballot, a clipboard, and the name and

139. Elizabeth M. Addonizio et al., *Putting the Party Back into Politics: An Experiment Testing Whether Election Day Festivals Increase Voter Turnout*, 40 POL. SCI. & POL. 727 (2007).

140. *Id.*

141. STEVEN J. ROSENSTONE & JOHN MARK HANSEN, *MOBILIZATION, PARTICIPATION, AND DEMOCRACY IN AMERICA* 209–10 (1993).

142. Telephone Interview with U.S. Rep. Solomon Ortiz (Feb. 13, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*) (emphasizing that local campaigning is essential to coordinating and winning an election).

143. Telephone Interview with Gilberto Hinojosa, Cameron County Democratic Party Chair (Jan. 23, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

144. *Id.*

145. *Id.*

146. *Id.*

147. “*Barrios*” means “neighborhoods” in Spanish and is principally used to refer to predominantly Hispanic neighborhoods.

148. Telephone Interview with Gilberto Hinojosa, Cameron County Democratic Party Chair (Jan. 23, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

address of every potential voter in their area.¹⁴⁹ Mr. Hinojosa then called the block captains and encouraged them for a three-week period to talk to their neighbors.¹⁵⁰ Some block captains did not follow through with their commitment, but roughly sixty percent did.¹⁵¹ A follow-up phone bank was conducted to replace the inactive forty percent.¹⁵² The TDP followed the block captain program with a phone bank, as well as robo-calls on the days immediately preceding the election.¹⁵³ The party also sent one hundred people door to door in the *barrios* on Election Day, targeting the same thirty precincts.¹⁵⁴ That year, Cameron County had a forty-three percent turnout in the general election¹⁵⁵—higher than it had been since Bill Clinton ran for president in 1996.¹⁵⁶ The downside is that the operation cost nearly \$55,000, which is more than many local party organizations can spare.¹⁵⁷

The block captain program is successful on many fronts, but Hinojosa believes that one of the most important components to its success is its ability to make voters less intimidated by the voting process.¹⁵⁸ Hinojosa states, “You have people in the communities saying let’s go vote, showing them how to vote, taking them sample ballots, explaining to them how to vote.”¹⁵⁹ However, “you have to have people who are willing to do it, and to take their own personal time to do it.”¹⁶⁰ Once again, political actors and the information they provide to voters are critical.¹⁶¹

North Carolina Early Vote Director Tony Rediger described a similar strategy used in his state.¹⁶² The Obama campaign recruited “change

149. *Id.*

150. *Id.*

151. *Id.*

152. *Id.*

153. Telephone Interview with Gilberto Hinojosa, Cameron County Democratic Party Chair (Jan. 23, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

154. *Id.*

155. TEX. SEN. ELIOT SHAPLEIGH, TEXAS BORDERLANDS 2009: DEMOCRACY'S FRONT LINE 5 (2009), available at http://shapleigh.org/system/reporting_document/file/298/Voting_Chapter.pdf.

156. Office of the Secretary of State, <http://elections.sos.state.tx.us/elchist.exe> (select “County by County Canvass Report” radio button; then select desired General Election year from the drop-down menu and click “Submit”; then select “President/Vice-President” and click “Submit”) (last visited Apr. 9, 2010).

157. Telephone Interview with Gilberto Hinojosa, Cameron County Democratic Party Chair (Jan. 23, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

158. *Id.*

159. *Id.*

160. *Id.*

161. *Id.*

162. Telephone Interview with Tony Rediger, Early Vote Dir., N.C. for Change (Dec. 12, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

crews” of four volunteers who would train canvassers and phone bankers, enter data, and essentially run the field operations for their designated turf.¹⁶³ Each campaign field organizer oversaw four to eight change crews, but the crews were essentially in charge of their own local operation, giving them ownership over campaign efforts.¹⁶⁴ When community members feel invested, they are more likely to stay involved between cycles and for multiple cycles.

The high value of community organizing and the relatively low costs associated with it in various situations make this a critical solution and a central part of any effective TDP strategy in South Texas. We recommend that it be implemented, regardless of the presence of a national or statewide campaign, and we emphasize that it would be even less costly and more effective if done through a TDP office in the region.

5. Legislative Action: Municipal Election Changes

Legislation sponsored by Democratic Representative Richard Raymond, which would move election dates for municipal elections to the same day as the general election,¹⁶⁵ would help address the incentives problem. Because South Texans are so heavily invested in municipal elections but are often indifferent to general elections, putting both elections on the same date would likely increase turnout.

The solutions within this category (TDP presence in South Texas, training local parties, sustained community organizing, and legislative action) are meant to generate and maintain outreach by political actors that will outlast the primaries in order to counteract the problems presented by a lack of competitive races in the general election.

B. *Encourage New Political Activity*

The solutions in this section are intended to dilute the impact of factions and *politiqueros* by supporting new stakeholders who can help increase turnout in South Texas. Currently, newcomers are hesitant to join the political process because of perceptions of a culture of corruption. As an outside organization, the TDP can lend legitimacy to efforts that would include new actors in South Texas politics. There are two solutions in this category: encouraging state and national campaign presence and involving young people.

163. *Id.*

164. *Id.*

165. Bill to Move up the Primary Elections, http://blogs.chron.com/kuffsworld/2007/01/bill_to_move_up_the_primary_el.html (Jan. 31, 2007, 12:13 CST).

1. State and National Campaign Presence

The presence of state and national campaigns, a rarity in the region, can play a significant role in motivating voters. Attention from these campaigns can go a long way towards making voters in the region feel appreciated, thus, making them more likely to participate in party politics in the future because they will feel less abandoned.¹⁶⁶ This solution helps to overcome both a lack of competitive races and dependence on local political operatives for voter contact. Bringing in a campaign dramatically increases the number of voters contacted, while saving the TDP resources by sharing the costs of campaign activities.

Unfortunately, convincing state and national campaigns to invest time and resources in South Texas can be an uphill battle, especially when they are not invested in developing a long-term strategy for the region. The TDP can only do so much to convince all statewide candidates to go to the Valley; however, any competitive Democratic statewide or national candidate will have to do so to win. Many campaigns will still maintain that outreach in South Texas is too costly, but if the TDP develops more of a presence in the region, as we suggest, it would be easier to convince campaigns that the infrastructure is already in place and that running a race in the region is viable.

Many voters in South Texas feel neglected by state and national campaigns and would be thrilled to have the additional attention. However, tensions could arise between state and national campaigns, which have their own campaign strategies, and the local organizers, who are accustomed to their own standard operating procedures. If campaigns plan to conduct serious operations in South Texas, it is important that they begin their efforts early in the campaign season so that tensions or disagreements could be worked out well in advance of the final general election campaign push.

We recommend that the TDP encourage competitive statewide or national Democratic candidates to have an early and consistent presence in South Texas as part of a winning strategy.

2. Get Young People Involved

The TDP should recruit young people to weaken the influence of old, entrenched factions. Young people in South Texas are an underused re-

166. Melissa R. Michelson, *Meeting the Challenge of Latino Voter Mobilization*, 601 ANNALS AM. ACAD. POL. & SOC. SCI. 85, 98 (2005) (explaining that Hispanic voters are motivated to vote through personal, door-to-door campaigning). Michelson asserts that, at a fundamental level, the key to increasing the Hispanic vote is "a simple matter of asking for it." *Id.*

source, which disadvantages both them and the Party. Their involvement would not only add more manpower to the TDP's efforts, but would help these young leaders build civic skills and become involved in their community. Reaching out to civic groups at local universities, such as service fraternities and sororities and other community interest groups, is a good first step. Edward Adrian Sandoval explains that members of these groups are "already involved and already have an interest. When you're disseminating information and doing outreach, you're targeting people who are already organized, and it saves you a step."¹⁶⁷ Because political campaigns do not reach out to them often, Sandoval explained, many are eager to have the opportunity to help.¹⁶⁸ Successful incentives to involve these groups, he says, are twofold: "First, the fact that there is actually outreach, and second, that there is free booze."¹⁶⁹ But short of the occasional free food or libations opportunity, the cost of recruiting new volunteers is low, and young people are often willing to work hours that older volunteers are unable to offer.¹⁷⁰

Nathan Selzer discussed the importance of working with volunteers in a way that makes them want to continue being part of organizing efforts: "Sometimes campaigns think of volunteers with a use 'em up, spit 'em out approach, but [Mi Familia Vota] tried to focus on the long term. We wanted the immediate results of numbers, but we wanted something long term to get the community involved and increase turnout in the Valley."¹⁷¹ Victor Garza echoed the importance of building a volunteer culture in the Valley and of focusing on the quality, and not just the quantity, of voter contact that each political actor accomplished.¹⁷²

The TDP, in partnership with local party organizations, should reach out to young people to help build a spirit of volunteerism in South Texas. This solution is low-cost and will have a potentially high impact on voter turnout.

167. Telephone Interview with Edward Adrian Sandoval, Former President, Univ. of Tex. Pan Am. Student Gov't Ass'n (Mar. 13, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

168. *Id.*

169. *Id.*

170. *Id.* In addition to reaching out to student organizations, civic groups are also an important source of campaign volunteerism. *Id.* Sandoval explains that, like student organizations, civic groups care about and want to change the community, but they are simply waiting for a politician to ask them for their help. *Id.*

171. Telephone Interview with Nathan Selzer, Project Coordinator, Mi Familia Vota (Feb. 24, 2009) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

172. Telephone Interview with Victor Garza, Tex. Deputy Dir., Clinton Campaign (Dec. 29, 2008) (on file with *The Scholar: St. Mary's Law Review on Minority Issues*).

These solutions (involving young people and encouraging state and national campaign presence) will help dilute the impact of factions and *politi-queros* by bringing in new political actors who can help increase turnout in South Texas.

C. *Oppose Discriminatory Legislation*

Finally, we recommend that Texas Democrats actively campaign against discriminatory legislation that has the potential to further disenfranchise South Texas Hispanic voters. The pending voter identification bill, for instance, saddles voters with the additional burden of carrying a current photo ID and will likely deter voters—such as those in South Texas—who have relatively limited resources. In addition, Texas Democrats must also continue to oppose legislation that would terminate state rules that require election materials to be provided in both Spanish and English. Social and political circumstances already limit the number of South Texans who vote in the general elections; the TDP must address the legal barriers that have the potential to perpetuate this problem.

The TDP should continue to oppose discriminatory legislation that has the potential to limit the ability of South Texans to vote in the general elections. This solution is critical to prevent legal barriers to the Hispanic vote from further limiting the success of the TDP in South Texas.

V. CONCLUSION

Using data analysis, extensive interviews with local stakeholders, and Rosenstone's and Hansen's theory, we find that the most important barriers to turnout in South Texas are those that impact the incentives for political actors to reach out to voters. These barriers exist in the general election, both as a result of a lack of local competitive races and because of entrenched political factions and operatives. High turnout in primary elections in South Texas further illustrates that the problem does not lie with the voters themselves.

Our proposed solutions to these problems are to engage South Texas communities and to encourage new political activity. We believe that a TDP regional office has the potential to be the most effective of our recommendations, particularly because it would make our other recommendations easier to implement. In general, solutions that target the motivations of political actors, not just voters, are much needed here.

South Texas has been isolated based on assumptions that voters here simply are not engaged in politics.¹⁷³ Our analysis, which compares voter turnout in the primary to turnout in the general, shows otherwise. In fact, our analysis reinforces the argument that there is substantial untapped potential here for Democrats. The TDP now has an opportunity to substantially reshape politics in South Texas before the 2010 elections and to practice new and innovative methods of increasing general election turnout that would simultaneously build leadership capacity in the region. Statewide and national elections depend on it.

173. *Two Steps Forward, Two Steps Back*, TEX. OBSERVER, Mar. 21, 2008, at 20, available at 2008 WLNR 7075417.

